

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: **Dominick J Allocco, Jr.**
Deborah J Allocco

Debtor(s)

Case No.: **16-13677**

Judge: **VFP**

Chapter: **13**

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: May 15, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay \$31,900.00 to the Chapter 13 Trustee from March 2016 to April, 2017 and then ; the Debtor shall pay \$2,597.00 monthly to the Chapter 13 Trustee beginning May, 2017 for the remaining 46 months. The total length of plan is approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:



Future Earnings



Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Internal Revenue Service	Taxes and certain other debts	0.00
State of New Jersey Division of Taxation	Taxes and certain other debts	0.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
M&T Bank	149 Gates Ave Gillette, NJ 07933 Morris County	13,625.00	0.00	13,625.00 (Already paid)	0.00

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an

unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
Bank Of America

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$_____ to be distributed *pro rata*

 X Not less than 100 percent

_____ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
US Department of Education	Student Loan	Pay outside the plan	\$2,603.92 Amount already paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
4) Lease Arrearages			
5) Priority Claims			
6) General Unsecured Claims			
<p>d. Post-petition claims</p> <p>The Trustee <input type="checkbox"/> is, <input checked="" type="checkbox"/> is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.</p>			
Part 9 : Modification			
<p>If this plan modifies a plan previously filed in this case, complete the information below.</p> <p>Date of Plan being modified: _____.</p>			
<p>Explain below why the Plan is being modified.</p> <p>To reduce the trustee payment</p>		<p>Explain below how the Plan is being modified</p> <p>By excluding the student loan claim from trustee payment</p>	
<p>Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
Part 10: Sign Here			
<p>The debtor(s) and the attorney for the debtor (if any) must sign this Plan.</p>			
<p>Date <u>May 15, 2017</u></p>		<p><u>/s/ Scott E. Tanne</u> Scott E. Tanne st2477 Attorney for the Debtor</p>	
<p>I certify under penalty of perjury that the foregoing is true and correct.</p>			
<p>Date: <u>May 15, 2017</u></p>		<p><u>/s/ Dominick J Allocco, Jr.</u> Dominick J Allocco, Jr. Debtor</p>	
<p>Date: <u>May 15, 2017</u></p>		<p><u>/s/ Deborah J Allocco</u> Deborah J Allocco Joint Debtor</p>	

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Dominick J Allocco, Jr.
 Deborah J Allocco
 Debtors

Case No. 16-13677-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

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 Total Noticed: 55

Date Rcvd: May 23, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 25, 2017.

db/jdb
 516126584 +Dominick J Allocco, Jr., Deborah J Allocco, 149 Gates Ave, Gillette, NJ 07933-1719
 516157496 AMERICAN EXPRESS BANK, FSB, C/O BECKETT AND LEE LLP, PO BOX 3001, MALVERN, PA 19355-0701
 516120373 AMERICAN EXPRESS CENTURION BANK, C/O BECKETT AND LEE LLP, PO BOX 3001, MALVERN, PA 19355-0701
 516120373 +American Express, Bankruptcy Department, P.O Box 3001, 16 General Warrend Blvd, Malvern, PA 19355-1245
 516027029 +American Express, PO Box 6559, Omaha, NE 68106-6559
 516027030 #+Bank Of America, Nc4-102-03-14, Po Box 26012, Greensboro, NC 27420-6012
 516027031 +Bank Of America, 1800 Tapo Canyon, Simi Valley, CA 93063-6712
 516228584 +Bank of America, N.A., c/o Marinosci Law Group, P.C., ATTN: Bankruptcy Department, 100 West Cypress Creek Road, Suite 1045, Fort Lauderdale, FL 33309-2191
 516249434 +Bank of America, N.A., P.O. Box 31785, Tampa, FL 33631-3785
 516027033 +Barclays Bank Delaware, 125 S West St, Wilmington, DE 19801-5014
 516027032 +Barclays Bank Delaware, Po Box 8801, Wilmington, DE 19899-8801
 516120374 +Cheswold Ophrys LLC, P.O Box 3978, Seattle, WA 98124-3978
 516027035 +Credit First/CFNA, 6275 Eastland Rd, Brookpark, OH 44142-1399
 516027034 +Credit First/CFNA, Bk13 Credit Operations, Po Box 818011, Cleveland, OH 44181-8011
 516120375 +Department Stores/ National Bank Macy, P.O Box 4275, Norcross, GA 30091-4275
 516027042 +Equifax, PO BOX 740241, Atlanta, GA 30374-0241
 516027043 +Experian, PO BOX 9701, Allen, TX 75013-9701
 516173763 +Midland Funding, LLC, P.O. Box 2011, Warren, MI 48090-2011
 516182501 +NJSVS, Bankruptcy Unit, PO Box 4850, Trenton, NJ 08650-4850
 516027047 +Nationwide Credit, Inc, P. O Box 26314, Lehigh Valley, PA 18002-6314
 516143716 +PHEAA, PO BOX 8147, HARRISBURG PA 17105-8147
 516120380 +State of New Jersey, Surcharge Administration, P.O Box 136, 4th Floor, Trenton, NJ 08666-0136
 516027048 +State of New Jersey Division of Taxation, P.O Box 187, Trenton, NJ 08695-0187
 516027051 +Trans Union, PO BOX 2000, Chester, PA 19022-2000
 516120382 +US Department of Education, P.O Box 740283, Atlanta, GA 30374-0283

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

E-mail/Text: usanj.njbankr@usdoj.gov May 23 2017 22:31:08 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov May 23 2017 22:31:07 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 516245273 +E-mail/Text: bncmail@w-legal.com May 23 2017 22:31:14 Cheswold (Ophrys), LLC, C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 516027037 +E-mail/PDF: creditonebknnotifications@resurgent.com May 23 2017 22:29:26 Credit One Bank Na, Po Box 98872, Las Vegas, NV 89193-8872
 516027036 +E-mail/PDF: creditonebknnotifications@resurgent.com May 23 2017 22:29:27 Credit One Bank Na, Po Box 98873, Las Vegas, NV 89193-8873
 516027041 E-mail/Text: mrdiscen@discover.com May 23 2017 22:30:28 Discover Financial, Po Box 15316, Wilmington, DE 19850
 516027038 +E-mail/Text: electronicbkydocs@nelnet.net May 23 2017 22:31:10 Dept Of Ed/Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
 516027039 +E-mail/Text: electronicbkydocs@nelnet.net May 23 2017 22:31:10 Dept Of Ed/Nelnet, 121 S 13th St, Lincoln, NE 68508-1904
 516047298 E-mail/Text: mrdiscen@discover.com May 23 2017 22:30:28 Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 516027040 +E-mail/Text: mrdiscen@discover.com May 23 2017 22:30:28 Discover Financial, Attn: Bankruptcy, Po Box 3025, New Albany, OH 43054-3025
 516027044 +E-mail/Text: camanagement@mtb.com May 23 2017 22:30:55 Hudson City Savings Ba, West 80 Century Rd, Paramus, NJ 07652-1478
 516027045 E-mail/Text: cio.bncmail@irs.gov May 23 2017 22:30:45 Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
 516236460 E-mail/Text: JCAP_BNC_Notices@jcap.com May 23 2017 22:31:19 Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
 516120376 +E-mail/Text: JCAP_BNC_Notices@jcap.com May 23 2017 22:31:19 Jefferson Capital Systems LLC, P.O Box 772813, Chicago, IL 60677-0113
 516245478 E-mail/PDF: resurgentbknnotifications@resurgent.com May 23 2017 22:29:44 LVNV Funding, LLC its successors and assigns as, assignee of FNBK, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516101256 E-mail/Text: camanagement@mtb.com May 23 2017 22:30:55 M&T Bank, P.O. Box 840, Buffalo, NY 14240-0840
 516027046 E-mail/Text: camanagement@mtb.com May 23 2017 22:30:55 M&T Bank, PO Box 1288, Buffalo, NY 14240-1288
 516120377 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 23 2017 22:52:48 Portfolio Recovery Associates LLC, P.O Box 12914, Norfolk, VA 23541
 516269643 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 23 2017 22:37:44 Portfolio Recovery Associates, LLC, c/o Bank Of America, POB 41067, Norfolk VA 23541
 516269516 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 23 2017 22:52:48 Portfolio Recovery Associates, LLC, c/o Barclaycard, POB 41067, Norfolk VA 23541

District/off: 0312-2

User: admin
Form ID: pdf901

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Total Noticed: 55

Date Rcvd: May 23, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516273647 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 23 2017 22:38:03
Portfolio Recovery Associates, LLC, c/o Capital One, POB 41067, Norfolk VA 23541
516265840 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 23 2017 22:37:54
Portfolio Recovery Associates, LLC, c/o Chase Bank Usa, N.a., POB 41067,
Norfolk VA 23541
516269699 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 23 2017 22:37:54
Portfolio Recovery Associates, LLC, c/o Hsbc Bank Nevada, N.a, POB 41067,
Norfolk VA 23541
516120378 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 23 2017 22:52:53
PRA Receivables Management LLC, P.O Box 12914, Norfolk, VA 23541-0914
516120379 +E-mail/Text: bnc-quantum@quantum3group.com May 23 2017 22:31:00 Quantum Group LLC,
Moma Funding LLC, P.O Box 788, Kirkland, WA 98083-0788
516042762 E-mail/Text: bnc-quantum@quantum3group.com May 23 2017 22:31:00
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
516027049 +E-mail/PDF: gecsedirecoverycorp.com May 23 2017 22:29:56 Synchrony Bank/Care Credit,
Attn: bankruptcy, Po Box 103104, Roswell, GA 30076-9104
516120381 +E-mail/PDF: gecsedirecoverycorp.com May 23 2017 22:29:30 Synchrony Bank/Care Credit,
P.O Box 103104, Roswell, GA 30076-9104
516027050 +E-mail/PDF: gecsedirecoverycorp.com May 23 2017 22:29:43 Synchrony Bank/Care Credit,
C/o Po Box 965036, Orlando, FL 32896-0001
516041982 +E-mail/Text: electronicbkydocs@nelnet.net May 23 2017 22:31:10 US Department of Education,
c/o Nelnet, 121 South 13th Street, Suite 201, Lincoln, NE 68508-1911
TOTAL: 30

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 25, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 22, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor M&T Bank dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Scott E. Tanne on behalf of Joint Debtor Deborah J Allocco info@tannelaw.com,
clerk@tannelaw.com
Scott E. Tanne on behalf of Debtor Dominick J Allocco, Jr. info@tannelaw.com,
clerk@tannelaw.com

TOTAL: 4